

HOUSE BILL 1497
CONSTITUTIONAL AMENDMENT

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C7

2004 Regular Session
4r3159

By: **Delegate Pendergrass**

Introduced and read first time: March 3, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Video Lottery Terminals - Limitations**

3 FOR the purpose of adding a new article to the Maryland Constitution to prohibit the
4 statutory expansion of forms of gaming, with certain exceptions, by the General
5 Assembly; limiting the number of licenses that the State may issue to operate
6 video lottery terminals; limiting to a certain number the number of video lottery
7 terminals at a certain facility that a video lottery facility licensee may operate;
8 prohibiting the State from issuing a license for a video lottery facility under
9 certain circumstances; making this Act contingent on the taking effect of
10 another Act; and submitting this amendment to the qualified voters of the State
11 of Maryland for their adoption or rejection.

12 BY proposing an addition to the Maryland Constitution

13 New Article XIX - Video Lottery Terminals

14 Section 1 through 3

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
17 concurring), That it be proposed that the Maryland Constitution read as follows:

18 **ARTICLE XIX - VIDEO LOTTERY TERMINALS**

19 1.

20 (A) IN THIS ARTICLE, "VIDEO LOTTERY TERMINAL" MEANS ANY MACHINE OR
21 OTHER DEVICE THAT, ON INSERTION OF A BILL, COIN, TOKEN, VOUCHER, TICKET,
22 COUPON, OR SIMILAR ITEM, OR ON PAYMENT OF ANY CONSIDERATION:

23 (1) IS AVAILABLE TO PLAY OR SIMULATE THE PLAY OF ANY GAME OF
24 CHANCE IN WHICH THE RESULTS, INCLUDING THE OPTIONS AVAILABLE TO THE
25 PLAYER, ARE RANDOMLY AND IMMEDIATELY DETERMINED BY THE MACHINE OR
26 OTHER DEVICE; AND

27 (2) BY THE ELEMENT OF CHANCE, MAY DELIVER OR ENTITLE THE
28 PLAYER WHO OPERATES THE MACHINE OR DEVICE TO RECEIVE CASH, PREMIUMS,

1 MERCHANDISE, TOKENS, OR ANYTHING OF VALUE, WHETHER THE PAYOUT IS MADE
2 AUTOMATICALLY FROM THE DEVICE OR IN ANY OTHER MANNER.

3 (B) "VIDEO LOTTERY TERMINAL" INCLUDES A MACHINE OR DEVICE:

4 (1) THAT DOES NOT DIRECTLY DISPENSE MONEY, TOKENS, OR
5 ANYTHING OF VALUE TO WINNING PLAYERS; AND

6 (2) DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION THAT USES AN
7 ELECTRONIC CREDIT SYSTEM MAKING THE DEPOSIT OF BILLS, COINS, OR TOKENS
8 UNNECESSARY.

9 (C) "VIDEO LOTTERY TERMINAL" DOES NOT INCLUDE AN AUTHORIZED SLOT
10 MACHINE OPERATED BY AN ELIGIBLE ORGANIZATION UNDER TITLE 12, SUBTITLE 3
11 OF THE CRIMINAL LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

12 2.

13 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND EXCEPT
14 TO THE EXTENT VIDEO LOTTERY TERMINAL GAMING IS AUTHORIZED BY THIS
15 ARTICLE, THE GENERAL ASSEMBLY MAY NOT AUTHORIZE STATUTORILY ANY
16 ADDITIONAL FORMS OR EXPANSION OF COMMERCIAL GAMING, INCLUDING
17 CASINO-STYLE GAMING, CARD GAMES, DICE GAMES, ROULETTE, SLOT MACHINES,
18 AND VIDEO LOTTERY TERMINALS.

19 (B) THIS SECTION DOES NOT APPLY TO:

20 (1) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION,
21 LOTTERIES CONDUCTED UNDER TITLE 9, SUBTITLE 1 OF THE STATE GOVERNMENT
22 ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

23 (2) WAGERING ON HORSE RACING CONDUCTED UNDER TITLE 11 OF THE
24 BUSINESS REGULATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND; OR

25 (3) GAMING CONDUCTED BY A BONA FIDE FRATERNAL, CIVIC, WAR
26 VETERANS', RELIGIOUS, OR CHARITABLE ORGANIZATION, VOLUNTEER FIRE
27 COMPANY, OR SUBSTANTIALLY SIMILAR ORGANIZATION INCLUDED UNDER TITLE 12
28 OR TITLE 13 OF THE CRIMINAL LAW ARTICLE OF THE ANNOTATED CODE OF
29 MARYLAND.

30 3.

31 (A) (1) THE STATE MAY NOT ISSUE MORE THAN SIX VIDEO LOTTERY
32 FACILITY LICENSES THROUGHOUT THE STATE.

33 (2) THE STATE MAY NOT AUTHORIZE THE OPERATION OF MORE THAN A
34 TOTAL OF 13,000 VIDEO LOTTERY TERMINALS IN THE STATE.

35 (3) EACH VIDEO LOTTERY FACILITY MAY NOT OPERATE MORE THAN
36 3,000 VIDEO LOTTERY TERMINALS.

1 (B) THE STATE MAY ISSUE A VIDEO LOTTERY FACILITY LICENSE ONLY IN A
2 COUNTY OR BALTIMORE CITY IN WHICH A MAJORITY OF THE VOTES CAST WERE IN
3 FAVOR OF THIS ARTICLE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
5 determines that the amendment to the Maryland Constitution proposed by this Act
6 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
7 Maryland Constitution concerning local approval of constitutional amendments do
8 not apply.

9 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
10 of Section 4 of this Act, the foregoing section proposed as an amendment to the
11 Maryland Constitution shall be submitted to the legal and qualified voters of this
12 State at the next general election to be held in November, 2004 for their adoption or
13 rejection in pursuance of directions contained in Article XIV of the Maryland
14 Constitution. At that general election, the vote on this proposed amendment to the
15 Constitution shall be by ballot, and upon each ballot there shall be printed the words
16 "For the Constitutional Amendment" and "Against the Constitutional Amendment,"
17 as now provided by law. Immediately after the election, all returns shall be made to
18 the Governor of the vote for and against the proposed amendment, as directed by
19 Article XIV of the Maryland Constitution, and further proceedings had in accordance
20 with Article XIV.

21 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is contingent on
22 the taking effect of Chapter ____ (H.B.293) of the Acts of the General Assembly of
23 2004, and if Chapter ____ does not become effective, this Act shall be null and void
24 without the necessity of further action by the General Assembly.